

HOUSE BILL 304

R1

3lr1232
CF SB 326

By: **Delegates Afzali, Bates, Beitzel, Eckardt, Frank, Hogan, Luedtke, McComas, Niemann, Otto, Ready, Schulz, and Stocksdales**

Introduced and read first time: January 24, 2013

Assigned to: Environmental Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Transportation – Advertising Signs on State Highways for Agricultural**
3 **Businesses Authorized**

4 FOR the purpose of authorizing, subject to certain requirements, a person to place or
5 maintain an advertising sign for certain agricultural businesses on a State
6 highway; providing that certain provisions of law regulating the placement and
7 maintenance of outdoor signs in certain locations do not apply to a sign placed
8 in accordance with this Act; making stylistic changes; and generally relating to
9 advertising signs for agricultural products on certain highways.

10 BY repealing and reenacting, without amendments,
11 Article – Land Use
12 Section 4–102
13 Annotated Code of Maryland
14 (2012 Volume)

15 BY repealing and reenacting, with amendments,
16 Article – Transportation
17 Section 8–605 and 8–714
18 Annotated Code of Maryland
19 (2008 Replacement Volume and 2012 Supplement)

20 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
21 MARYLAND, That the Laws of Maryland read as follows:

22 **Article – Land Use**

23 4–102.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 To promote the health, safety, and general welfare of the community, a
2 legislative body may regulate:

3 (1) the height, number of stories, and size of buildings and other
4 structures;

5 (2) the percentage of a lot that may be occupied;

6 (3) off-street parking;

7 (4) the size of yards, courts, and other open spaces;

8 (5) population density; and

9 (6) the location and use of buildings, signs, structures, and land.

10 Article – Transportation

11 8–605.

12 (a) Along any State highway, the Administration may place signs, signals, or
13 markers to inform the traveling public of directions, distances, danger, or other
14 information.

15 (b) (1) Except as provided in paragraph (2) of this subsection, the
16 Administration shall assume the full cost of installing and maintaining traffic signals
17 required at the intersection of a State highway with any municipal street or highway
18 or at any other place along a State highway that is within the limits of any municipal
19 corporation.

20 (2) This subsection does not apply where the traffic signal primarily
21 will serve traffic generated by a private development, such as an apartment complex,
22 shopping center, industrial plant, or drive-in theater.

23 (c) Signs, signals, and markers placed along any interstate highway shall
24 conform to all applicable federal standards.

25 (d) (1) For the purpose of providing information to the driving public on
26 the availability of gas, food, lodging, camping, or attractions, the Administration may
27 place along State controlled access highways specific service signs, subject to the
28 applicable federal standards.

29 (2) (i) The Administration shall adopt regulations governing
30 specific service signs.

1 (ii) The regulations shall conform to all applicable federal
2 standards, and shall govern the type, lighting, size, number, and location of specific
3 service signs.

4 (iii) The Administration shall consult with:

5 1. The Maryland Travel Council prior to drafting
6 regulations; and

7 2. The Department of Business and Economic
8 Development and the appropriate local government officials concerning the placement
9 of specific service signs under this subsection.

10 (3) The business or attraction identified in a specific service sign shall
11 pay for the full administrative and operational cost of procurement, installation, and
12 maintenance of the sign.

13 (e) Any person who removes, damages, or defaces any sign, signal, or marker
14 placed under this section is guilty of a misdemeanor and on conviction is subject to a
15 fine not exceeding \$100.

16 (f) **(1) THIS SUBSECTION DOES NOT APPLY TO:**

17 **(I) A SIGN PLACED OR MAINTAINED BY THE**
18 **ADMINISTRATION OR WITH THE AUTHORIZATION OF THE ADMINISTRATION; OR**

19 **(II) AN ADVERTISING SIGN PLACED OR MAINTAINED BY A**
20 **PERSON UNDER A PERMIT OBTAINED IN ACCORDANCE WITH SUBSECTION (G) OF**
21 **THIS SECTION.**

22 **[(1) (2) [Except for a sign placed or maintained by the**
23 **Administration or with the authorization of the Administration, a] A person SUBJECT**
24 **TO THIS SECTION** may not place or maintain a sign or direct, consent to, or approve
25 the placement or maintenance of a sign, within a State highway right-of-way.

26 **[(2) (3) (i) Without resort to legal proceedings, a sign placed or**
27 **maintained in violation of this subsection may be removed and destroyed by the**
28 **Administration, a law enforcement officer, or the government of the county or**
29 **municipal corporation in which the sign was located.**

30 (ii) The Administration or the government of the county or
31 municipal corporation that removed or destroyed the sign may, if the sign is a
32 commercial sign:

1 1. Collect the civil penalty provided for under paragraph
2 **[(3)] (4)** of this subsection from the person that placed or maintained the commercial
3 sign; and

4 2. Seek an injunction against further violations of this
5 subsection in a civil action in the District Court.

6 **[(3)] (4)** (i) A person that places or maintains a commercial sign
7 within the right-of-way of a State highway in violation of this subsection is subject to
8 a civil penalty not exceeding \$25 per commercial sign, which, if not paid after being
9 cited and assessed by the Administration, county, or municipal corporation, may be
10 recovered in a civil action in the District Court by the Administration or by the county
11 or municipal corporation in which the commercial sign was located.

12 (ii) As to a county or a municipal corporation in which the
13 commercial sign was located, the civil action in the District Court may be brought by
14 the county attorney or, if the commercial sign was located in a municipal corporation,
15 the municipal corporation attorney.

16 (iii) The Administration, a county, or a municipal corporation:

17 1. May enforce this subsection only by the issuance of a
18 warning for the first 3 months after initiating a sign removal program; and

19 2. Shall enforce this subsection on a viewpoint and
20 content neutral basis.

21 **[(4)] (5)** For the purposes of enforcing this subsection, the presence of
22 a sign within a State highway right-of-way shall be evidence that the sign was placed
23 or maintained at the direction of, or with the consent and approval of, the person or
24 the person's agent or representative in the State whose name, business, location, or
25 product representation is displayed on the sign.

26 **[(5)] (6)** The Administration, a county, or a municipal corporation
27 shall retain any civil penalties that it collects under this subsection.

28 **(G) NOTWITHSTANDING SUBSECTION (F) OF THIS SECTION, A PERSON**
29 **MAY PLACE OR MAINTAIN AN ADVERTISING SIGN ON A STATE HIGHWAY**
30 **PROVIDED:**

31 **(1) THE SIGN DOES NOT EXCEED 3 SQUARE FEET IN AREA;**

32 **(2) THE SIGN IS PLACED IN THE STATE HIGHWAY RIGHT-OF-WAY**
33 **TO ADVERTISE OR PROVIDE DIRECTIONS TO AGRICULTURAL PRODUCTS**
34 **OFFERED FOR SALE TO THE PUBLIC THAT ARE GROWN OR PRODUCED BY A**

1 PERSON ENGAGED IN AGRICULTURE IN THE COUNTY IN WHICH THE SIGN IS
2 PLACED;

3 (3) THE SIGN IS PLACED IN A MANNER THAT DOES NOT
4 CONSTITUTE A HAZARD TO TRAFFIC; AND

5 (4) THE PERSON RESPONSIBLE FOR PLACING OR MAINTAINING
6 THE SIGN OBTAINS A PERMIT FOR THE SIGN FROM THE ADMINISTRATION OR
7 THE LOCAL OFFICE DESIGNATED BY THE ADMINISTRATION TO ISSUE PERMITS
8 FOR SIGNS IN THE COUNTY WHERE THE SIGN IS TO BE PLACED OR MAINTAINED.

9 8-714.

10 (a) [Whether] EXCEPT AS PROVIDED IN § 8-605(G) OF THIS TITLE,
11 WHETHER or not the person must be licensed under Part II of this subtitle, a person
12 may not erect or maintain any outdoor sign outside the limits of any municipal
13 corporation and within 500 feet of a State highway, unless the person has a permit
14 issued by the Administration for that sign.

15 (b) A permit is not required under this section to erect or maintain any
16 outdoor sign:

17 (1) That is used only to advertise the sale or lease of the property on
18 which it is located;

19 (2) That is on or within 100 feet of any building or the entrance to any
20 building in which the business advertised is carried on;

21 (3) That is used only to advertise:

22 (i) A Maryland historic shrine or institution; or

23 (ii) A county or church fair held in this State;

24 (4) That:

25 (I) [advertises] ADVERTISES a candidate or the support or
26 defeat of any proposition[. This sign:]; AND

27 [(i)] (II) 1. [Shall comply] COMPLIES with all provisions
28 of the Election Law Article;

29 [(ii)] 2. [Shall comply] COMPLIES with public safety
30 requirements as set forth in § 8-716 of this subtitle;

1 [(iii)] 3. [Shall conform] **CONFORMS** to all local restrictions
2 and zoning requirements [which] **THAT** are more restrictive than this section; and

3 [(iv)] 4. [Shall conform] **CONFORMS** to the restrictions and
4 requirements of Parts IV and V of this subtitle; or

5 (5) That:

6 (I) [is] **IS** only a temporary outdoor sign that advertises the
7 sale in season of fresh produce on property that adjoins a State highway by a person
8 who has grown the fresh produce and who owns, rents, or has permission to sell on the
9 property[. This sign:]; **AND**

10 [(i)] (II) 1. [Shall comply] **COMPLIES** with public safety
11 requirements as set forth in § 8-716 of this subtitle;

12 [(ii)] 2. [Shall conform] **CONFORMS** to all local restrictions
13 and zoning requirements that are more restrictive than this section, including any
14 applicable time limitation;

15 [(iii)] 3. [Shall conform] **CONFORMS** to the restrictions and
16 requirements of Parts IV and V of this subtitle; and

17 [(iv)] 4. [Shall be] **IS** removed or covered when produce is no
18 longer for sale.

19 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
20 October 1, 2013.